

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES – January 31, 2017**

The Budget Workshop Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Mayor Higgins read the following statement into the record:

“The requirements of the ‘Open Public Meetings Law, P.L. 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been noticed to the Star Gazette and Express-Times and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor Higgins led everyone in the flag salute.

Mayor Higgins explained that during the meeting of January 17, 2017, there was some confusion in the voting during the nomination of newly appointed Councilman Paul Jones. Upon the Borough Attorney’s advice in following Parliamentary Procedure, the Mayor made a motion to nominate Paul Jones to fill the vacant Council seat. That motion was seconded by Heinrich.

ROLL CALL: Higgins, Heinrich, Klimko, Noone, Thompson, Valle  
Ayes: 6 Nays: 0  
Motion Carried

The Clerk re-administered the Oath of Office to new Councilman Paul Jones.

Roll Call: Heinrich, Higgins, Jones, Klimko, Noone, Thompson, Valle  
Absent: None  
Also Present: Ann Kilduff, Borough Clerk; Matthew Hall, Borough Manager; and Natasha Turchan, Chief Financial Officer

**EXECUTIVE SESSION**

A motion was made by Thompson, seconded by Klimko, to approve Resolution 2017-30 - Authorizing Executive Session for the purpose of discussing a personnel matter at 7:06 pm.

Ayes: 7 Nays: 0  
Motion Carried

**RESOLUTION # 2017-30**  
**AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to

attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

\_\_\_\_\_Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_)

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

  X   Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: Borough Clerk the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Thompson, seconded by Heinrich, to come out of Executive Session at 7:15 pm.

Ayes: 7 Nays: 0  
Motion Carried

### **AUDIENCE**

Mayor Higgins opened up the audience portion for remarks, petitions, statements and testimony from guests.

Peter Mullikin, 46-48 Carlton Avenue, spoke to Council regarding his on-going flooding issues and the confusion regarding a meeting to be scheduled with both his and the Borough's attorneys. P. Mullikin spoke of the denial of his claim by the Borough's insurance company and the lack of cooperation from the school board. M. Hall will discuss the situation with the Mayor and Borough Attorney and contact P. Mullikin and his attorney to discuss further. P. Mullikin provided Council with pictures of his property.

P. Mullikin spoke about the abandoned houses near him that need to be cleaned up.

Hearing no further comments, a motion was made by Thompson, seconded by Valle, to close the audience portion of the meeting.

Ayes: 7 Nays: 0  
Motion Carried

### **2017 BUDGET DISCUSSION**

M. Hall gave a brief overview of the budget process stating that the municipal portion of the taxes will remain flat. Council discussed various line items with N. Turchan. N. Turchan will provide Council with quarterly budget reports. Councilman Heinrich spoke of having a plan to prepare for the anticipated purchase of a new fire truck.

M. Hall discussed options to lighting and will look into switching Borough street lights to LED lighting. Mayor Higgins spoke of repairs needed at the library. M. Hall will contact the Library Director to submit operating and capital improvement budgets. Mayor Higgins received permission from Council to speak with Freeholder Richard Gardner to draw more people to the library.

N. Turchan and M. Hall spoke to Council regarding the need for new computers, server and fire wall. Council discussed providing pay increases to non-union employees and Council members.

N. Turchan left the meeting.

## **RESOLUTION**

### **Resolution 2017-23 – Resolution Authorizing Execution of Amended Shared Services Defense Agreement**

#### **BOROUGH OF WASHINGTON, WARREN COUNTY RESOLUTION 2017-23 AUTHORIZING EXECUTION OF AMENDED SHARED SERVICES DEFENSE AGREEMENT**

**WHEREAS**, the Borough of Washington has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

**WHEREAS**, 57 similar Declaratory Judgment Actions are before Judge Miller in Vicinage 13;

**WHEREAS**, many of these municipalities (collectively the “Vicinage 13 Municipal Group”) wish to cooperate collectively regarding the strategy and development of discovery, motions, briefs, and trial practice that may be used in the above-referenced Declaratory Judgment Actions, thereby saving time and monies for individual municipalities;

**WHEREAS**, the Borough executed a Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter “Vicinage 13 MSSDA”) to participate in the Vicinage 13 Municipal Group; and

**WHEREAS**, due to various municipalities settling the litigation and withdrawing from the group and the costs of preparing for numerous depositions and an eventual trial, the Vicinage 13 Municipal Group requires each municipality to contribute an additional \$5,000; and

**WHEREAS**, an Amended Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter Amended Vicinage 13 MSSDA”), has been prepared (attached hereto) (a) so that monies can be collected; and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement are defined; and

**WHEREAS**, due to prolonged litigation before the Appellate Division and Supreme Court, a trial in Vicinage 13 has been delayed, requiring the Vicinage 13 Municipal Group to apply to extend immunity from builder’s remedy lawsuits past the October 31, 2016 deadline.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, as follows

1. The terms and conditions of the Vicinage 13 MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$5,000 is hereby authorized to be expended by the Borough of Washington.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Washington and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid Amended Vicinage 13 MSSDA to memorialize the participation of the Borough of Washington and to take any and all actions reasonably required to effectuate said Agreement.
5. This Resolution shall take effect immediately.

Mayor Higgins wished to have Resolution 2017-23 re-approved due to the confusion in the voting to appoint Councilman Jones. Resolution 2017-23 was moved on a motion by Noone, seconded by Klimko, and re-approved.

ROLL CALL: Noone, Klimko, Heinrich, Jones, Thompson, Valle, Higgins

Ayes: 7; Nays: 0

Motion Carried

#### **ADJOURNMENT**

Hearing no further business, a motion was made by Jones, seconded by Noone, to adjourn the meeting at 9:25 pm.

Ayes: 7 Nays: 0

Motion Carried

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Mayor David Higgins

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Ann Kilduff, RMC Borough Clerk